## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:16-cv-24-MOC-DSC

GLENDA WESTMORELAND,	)	
Plaintiff,	)	
vs.	)	ORDER
TWC ADMINISTRATION LLC d/b/a TIME WARNER CABLE,	)	
Defendant.	) ) )	

THIS MATTER is before the Court on its motion following receipt of Defendant's Notice Regarding Re-Convening Front Pay Hearing. (Doc. No. 128). This Court held a hearing on front pay on December 18, 2019, in which Plaintiff presented expert testimony on the amount of front pay to which Plaintiff is entitled. At the hearing, Defendant requested and received time to obtain its own expert, if needed. Defendant has now submitted a memorandum, explaining that it does not believe that the front pay hearing needs to be reconvened if the Court takes judicial notice of the fact that "Plaintiff's worklife expectancy, calculated according to the well-recognized Markov model, was at most 4.66 years at the time of her termination and/or finds that Plaintiff's expert admitted the Markov model, which is published in well-respected, peer-reviewed literature and is widely recognized, indicates Plaintiff had a worklife expectancy of 4.66 years at the time of her termination." (Doc. No. 128 at 1). According to the Markov model, this would mean that Plaintiff's worklife expectancy would result in her retiring at age 66. Plaintiff's own expert at the hearing on front pay, Dr. Gary Albrecht, testified that Plaintiff could work to age 71, and he rejected a worklife expectancy of 4.66 years.

Defendant shall, within 14 days, submit a memorandum to the Court presenting closing arguments on the front pay issues discussed at the front pay hearing, including specific

calculations for front pay based on the Markov model setting Plaintiff's worklife expectancy at 4.66 years from the time of her termination. Defendant shall also address the issues of tax liability and interest in presenting each sides' calculations of front pay. Plaintiff shall then have seven days to file a response.

IT IS SO ORDERED.

Signed: June 18, 2020

Max O. Cogburn J.

United States District Judge